

## Disambiguating legalities: street vending, law, and boundary-work in Mexico

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Disambiguating Legalities:

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### Abstract

In Mexico City, over 500,000 people are estimated to earn a living working as street vendors. In recent years Mexican street commerce has been increasingly criminalized in the context of “revanchist” neoliberal urban politics which have aimed to “reclaim” and gentrify urban spaces, mirroring a global trend (Leal Martinez 2016, Swanson 2007, Janoschka et al. 2013). Yet the law structures the social lives of street vendors not only in its repressive, revanchist capacity, but through more subtle and quotidian forms of legal disregulation (Goldstein 2015). My goal in this paper, accordingly, is to make sense of the role of legality in shaping the forms of symbolic and affective labor in which street vendors engage beyond those areas which are explicitly targeted by neoliberal urban development schemes. To that end, I propose a framework of “ambiguous legalities” as a way to understand the relationship between law and the everyday production of street vending. Paying attention to ambiguous legalities means looking at the ways not only that legal uncertainties are created and maintained, but on the way in which they influence forms of everyday comportment and the invisible labor of symbolic boundary-work (Lamont 1992). Drawing on extensive fieldwork in Mexico City’s central wholesale market, I illustrate the ways in which ambiguous legality is produced through the legal technology of the vending permit, and describe how street vendors and other social actors attempt to make moral-legal claims through a process I refer to as “disambiguation.” Finally, I discuss how popular discourses about state illegitimacy and corruption contribute to legal ambiguities, and the challenges that they pose to street vendors in their efforts to combat popular perceptions of criminality and illegality.

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## Disambiguating Legalities: Street vending, law, and boundary-work in Mexico City

Tiana Bakić Hayden

### Introduction

In Mexico City, over 500,000 people are estimated to earn a living working as street vendors. *Ambulantes*, as they are popularly known, sell a wide variety of products – ranging from cell phones, watches, clothing, and batteries to industrial snacks and prepared street foods – and represent an important source of affordable consumer goods for the city’s hyper-mobile, working populations. In spite of their symbolic and material importance in Mexico City, street vendors are controversial figures who are frequently described through the trope of illegality. In recent years, like elsewhere in the world, Mexican street commerce has been increasingly criminalized in the context of “revanchist” neoliberal urban politics which have aimed to “reclaim” and gentrify urban spaces (Leal Martinez 2016, Swanson 2007, Janoschka et al. 2013). Much contemporary scholarship has focused on these waves of criminalization and repression, drawing attention to the strategies of legal and political resistance and negotiation to which vendors turn in such contexts (Cross 1998, Crossa 2009, 2015, Meneses-Reyes 2013, Stamm 2007).

Yet most street vending in Mexico lies outside of the reach of such large-scale removal projects, which are largely limited to the Centro Histórico and a few upper-middle class enclaves. For the most part, *ambulantaje* is characterized by more subtle and quotidian forms of legal, political, and social negotiation and routine. My goal in this paper, accordingly, is to make sense of the role of legality in shaping the forms of symbolic and affective labor in which street vendors engage beyond those areas which are explicitly targeted by neoliberal urban development schemes. In doing so, my goal is not to diminish the significance of repression and criminalization in the context of neoliberal urbanism, but to expand the analysis of law’s symbolic and material effects in contemporary Mexico City more broadly, and to consider the forms of invisible labor and inequalities which they produce.

To that end, I propose analyzing street vending in Mexico as a form of what I call “ambiguous legality.” Ambiguous legality is a term that can be used to describe fields of social practice – in this case, street vending – for which uncertainty and disagreement over legality are among its constitutive characteristics. Ambiguous legalities have four basic qualities: 1) There is a lack of consensus about the source and legitimacy of authorities who could

define their formal legal status; 2) They are subject to frequent, significant changes to formal legal regulation governing their practice; 3) They are a heterogeneous legal field grounded in a homogeneous social imaginary; 4) They compel actors to engage in “disambiguation,” that is, forms of symbolic and affective boundary-work.

The concept of ambiguous legality – especially its first and second characteristics – draws on recent theories of informality, most notably Ananya Roy’s (2009) account of “deregulation” as a condition of what she calls the “informalized state.” Deregulation refers to the partial, incomplete forms of state regulation of particular spaces and activities, which produces legal ambiguity and confusion, with the law appearing “open-ended and subject to multiple interpretations and interests.” While deregulation refers to a process, however, ambiguous legalities are social fields of practice within which people work on doing particular things, such as selling tacos or sex on the streets, or washing dishes in a restaurant. Paying attention to ambiguous legalities means looking at the ways not only that legal uncertainties are created and maintained, but on the way in which they influence forms of everyday comportment and the invisible labor of symbolic boundary-work (Lamont 1992).

In this paper, I draw on fieldwork conducted among street vendors and wholesale food merchants in Mexico City in 2012, and 2014-2015. I focus, in particular, on a series of debates over a permitting program in the wholesale market area of Mexico City, and which produced cleavages and social disagreements rather than legal clarity or legibility. My paper is structured as follows: in the first section, I briefly outline the way in which the relationship between legality and street vending has been theorized and popularly imagined in Mexico, arguing that insufficient attention has been paid to the heterogeneous types of formal legality and interpretations which comprise the field of street vending. In the second section, I turn to an extended ethnographic example to illustrate the ways in which ambiguous legality is produced through the legal technology of the vending permit, situated in the context of existing understandings of street vending as criminality, and corruption. In the third section, I describe how street vendors and other social actors attempt to make moral-legal claims through a process I refer to as “disambiguation.” In the final section, I discuss how popular discourses about state illegitimacy and corruption contribute to legal ambiguities, and the challenges that they pose to street vendors in their efforts to combat popular perceptions of criminality and illegality.

### Visualizing Legal Heterogeneity

Street vending has been associated with illegality and disorder in Mexico City to varying degrees since at least the nineteenth century, when modern-

izing regimes introduced municipal regulations aimed at eliminating what elites saw as its unsightly and unhygienic presence from the street (Agostoni 2003, Barbosa Cruz 2010). Concerns about diseases, miasmas, and unruly crowds animated the efforts of early modernizers in Mexico to restrict street commerce in the nation's capital. After the revolution in 1910-20 and throughout much of the twentieth century, street vendors grew in number and political power, fueled by waves of rural migration to the city as well as clientelistic arrangements with the ruling PRI party (*Partido Revolucionario Institucional*) through which vendors' associations were able to secure large swaths of land for their members to work (Cross 1998; Monnet 2005). Even in the midst of these successful forms of political appropriation on the part of vendors' associations, however, city leaders periodically attempted to remove vendors from specific parts of the city, pointing out that they were there illegally and smearing them in state-controlled media. With the onset of neoliberalism and democratization in Mexico in the 1980s and 1990s, the number of street vendors increased markedly, but so too did heightened fears of criminal disorder and globally circulating discourses of corruption and transparency (Becker and Müller 2013; Leal Martinez 2016).

Vendors, consequently, came to be associated with illegality in Mexico both as a result of violating specific municipal laws, and because of their clientelistic arrangements with the state that got glossed as "corruption" by middle-class critics (who themselves conveniently elided their own forms of state appropriation in the process). Newspaper headlines accusing street vendors of being "mafias," trafficking in illegal goods, engaging in corruption, and being disorderly are now daily features in Mexico (Aguiar 2013; Leal Martinez 2016; Hayden 2014). Alejandra Leal Martinez (2016) has argued that in a context of "actually existing neoliberalism" in Mexico, elites and middle classes view street vendors as representing irredeemable forms of illegality and criminality, as well as outmoded and illegitimate forms of politics. One of her interviewees, a man named Armando, pithily articulates the widespread elitist sentiment that street vendors are pathological: "They are also a cancer for the center, because they make noise and they don't respect the law." He goes on to explain to her the compromised moral and political status of vendors:

*"It is disrespectful to those trying to do things right, those who pay taxes, those who want to contribute to society, to the historical center, to build a better society. And it is a bit like Mexican crookedness, you know, like, 'not me', right? 'I take my own path and I do whatever I want'. To me it is like dishonest competition, it is opportunistic." (Armando, Interview with Leal Martinez, September 27, 2006)*

On the one hand, this popular association of street vending with illegality appears not to be unfounded: There are indeed multiple laws prohibiting the use of public thoroughfares in Mexico City for commercial purposes, including the *Reglamento de comercio semifijo y ambulante* (1930), *Reglamento de Mercados* (1951), and *Ley de Cultura Cívica* (2004), among others. Beyond overt legislative attempts to limit street vending, moreover, the current Mexico City government, led by mayor Miguel Angel Mancera, is in the process of attempting to “reorganize” street vendors, with the idea of limiting their numbers, by using “smart city” technologies, like geolocated vending permits. Such “soft” technologies act as forms of biopolitical regulation, in tandem with “hard” forms of repression and violence against newly criminalized vendors.<sup>1</sup>

Yet street vending is hardly an undifferentiated realm of illegality. There are tens of thousands of permitted *ambulantes* in Mexico City, ranging from specially recognized groups of disabled and blind vendors organized into unions, to individual applicants (Meneses-Reyes 2013; Serna Luna 2013). Vending permitting systems, moreover, are the consequence not only of negotiations, protests and mobilizations by what Chatterjee (2004) calls “political society,” but also of actions in the realm of “civil society,” in court battles fought by associations of *ambulantes* over the years (Azuela and Meneses 2012). Indeed, in numerous cases over the years, the courts have ruled that street vendors have a constitutionally guaranteed right to work, enshrined in Article 5 of the Mexican constitution<sup>2</sup>, even as they have permitted cities to restrict vending in certain areas (*ibid*). In 2016, reforms of the Mexico City constitution included, in article 15, recognition of street vendors as “non-salaried workers,” and guaranteeing certain rights as a result. For as long as there have been prohibitions placed on street vending, in other words, there have also been categories of legality built in the form of permitting systems and legal recognition at various levels of the state.

Yet these differences and implications of formal legal status have gone largely unnoticed by scholars interested in street vending, who have largely replicated homogenizing discourses about street vendors as “informal” and “illegal”, even as they have provided critical insights into the dynamics of urban exclusion and resistance. In a recent article, Crossa (2016) notes that street vendors are too often approached as an undifferentiated collectivity, and argues for the need to de-homogenize them in order to better understand the nature of urban informality. Her analysis, however, largely focuses on organizational, class, and discursive modes of differentiation, and is less

1 See Goldstein and Alonso-Bejarano 2017 for a similar argument in relation to undocumented migrants and “smart” technologies in the United States.

2 Mexico’s 1917 Constitution, drafted after the Revolution, is famous for being progressive, restricting the power of the Catholic church, and enshrining a number of social rights, including the right to work in any occupation so long as it does not infringe on the rights of others.

attentive to the role of formal legality in contributing to the heterogeneity of street vendors. In notable exception, Meneses-Reyes (2013) has drawn attention to the existence of permitted and unpermitted vendors in Mexico City, arguing that their shared presence in the downtown represents a “dual-legal geography,” in which vendors may work from the same area, but experience space and movement in different ways. Important though this insight is, however, it leaves little sense of how the more broadly circulating popular discourses of *illegality* intersect with more complex, heterogeneous forms of *legality* within street vending, and how people negotiate the space between these two. As I will later argue, “disambiguation,” a form of boundary work, becomes central to the everyday labor of street vending in this context. To illustrate how legal ambiguity is *produced* through deregulation, I turn to an ethnographic account of debates over a street vending program in Mexico City’s wholesale market area, La Central de Abasto (CEDA).

### Permitting Ambiguous Legality

Lupe is a street vendor, a *cafetera*, who sells hot coffee, sweetbreads, and *atole* out of a shopping cart in the wee hours of the morning in the CEDA. To get there in time for the morning rush, Lupe gets up before 3 o’clock am every day to start brewing coffee and boiling sugary water which she thickens with cornmeal to make the hot morning beverage, *atole*. By 3:30, she loads her grocery cart with the beverages, styrofoam cups, napkins, and thin plastic bags. With her oldest son, who helps her in the mornings before going to the university, she walks for 45 minutes down darkened streets to get to the market, stopping at a bakery along the way to pick up several bags of rolls and *pan dulce*.

Once there, Lupe goes to the same corner she has worked on for the last seven years. Leaving her son in charge of the cart, she goes around her sector, taking orders for coffee, flashing a broad smile here and there, greeting everyone in sight. Although most people only know her by her first name, Lupe is intimately acquainted with her neighbors, and on excellent terms with the local police, inspectors, and merchants alike. These good relations, Lupe is quick to make clear, are a consequence of, rather than a substitute for, legality. She always has prominently displayed a crisp, laminated vending permit, which demonstrates that she is an *ambulante legal*, a legal street vendor. There are others, she explains, who are there illegally, who don’t have permits. Those ones are a problem, and the authorities need to remove them in order to prevent the market from getting too crowded.

Wholesale merchants are quick to point out that street commerce is prohibited by the municipal and market codes. Leopold, an aging wholesaler and member of the merchant’s association UNCOFYL, is emphatic in his disagreement with Lupe on the subject of *ambulantes*: “There’s no such thing



as a legal *informal* (informal vendor). The only thing that permit tells us is that the authorities are colluded, and that [the vendors] are here thanks to the cancer of corruption from which we suffer in this country.” Even as he buys his morning coffee and newspapers from *ambulantes*, Leopold rejects Lupe’s attempt to differentiate between legal and illegal street vendors, instead lumping all of them into the latter category, which he sees as a signifier of a rotten political system.

In spite of Leopold’s assertions to the contrary, the wholesale market allows for some legal street vending. Through its Office of Regulatory Compliance (*Normatividad*), the market’s administration issues 2,881 permits to members of thirty vendors’ associations, under an agreement reached between vendors’ unions and the former administration in 2005. The demand for permits far exceeds these numbers, however, since there are estimated to be well over 5,000 vendors in the market itself, leading to the situation described by Lupe, where some vendors are licensed and other are not. Instead of resolving disputes over street vending, therefore, permits themselves generally become the source of new “fields of illegal practice”, in the form of unregulated vendors whose numbers always exceed the changing limits of permitting regimes (Foucault 1995: 280). More problematically, still, from the perspective of those, like Lupe, who hope to be exempted from the stigma of illegality, the legitimacy of licensing programs is itself frequently called into question by formal merchants and opponents of street vending. Yet it is not only the lack of information about the “truth” of Lupe’s legality, or a case of differing perspectives which account for her disagreement with Leopold. The permit itself, as a legal technology, contains within it multiple forms of ambiguity and contingency, both temporal and spatial.

The permit which Lupe displays is a busy, color-printed document embossed with all of the trappings of officialdom. It has the logo of the CEDA, the market director’s signature, a barcode, a ten digit identification number, expiration date, and various identifying details about Lupe, including her photo, full name, product she sells, and hours during which she is permitted to work. Conspicuously absent from the permit, however, is any specific information about *where* Lupe is permitted to hawk her wares. Instead, in the lower righthand side of the document, it says Ambulatory Vendor (“comerciante en andadores”), despite the fact that Lupe stations herself in the same place every day.

Permits, however, never specify the *place* from which street vending can occur, since such specification would go against regulations prohibiting the use of public space for commerce. Instead, the workspace is constructed through regulating the bodily comportment of vendors, and by placing limits on the times during which they can work (Meneses-Reyes 2013). This does not mean, however, that access to specific places is random or unstable, but rather that allocation and access is delegated to the vendors’ unions, who ap-



ply non-standardized and unwritten criteria. These criteria are often based on seniority, and on the individual leaders' personal relationships with vendors in their base. In practice, then, vendors tend to have a significant amount of spatial stability granted through the union.



Fig. 1: Lupe's vending permit. Photo: Tiana Bakić Hayden

The lack of specific spatial guidelines in the vendors' permits leads to these becoming objects which produce spatial uncertainty in two ways. First, by creating a disempowered "workplace," it allows for the abstract right to work enshrined in article 4 of the Mexican Constitution to be protected, without explicitly violating local restrictions on street commerce (Meneses-Reyes 2013). As permits offer no right to work in a *particular* place, however, they are useless as legal claims when spatialized conflicts do emerge, as vendors learned the hard way when their permits are summarily rescinded once certain desirable areas of the city are suddenly proclaimed off-limits to them (Crossa 2016; Stamm 2007; Azuela and Meneses 2012).

Secondly and relatedly, the vending license does not place explicit limits on the distribution or density of street vending in a given area, leaving these sorts of determinations to the discretion of local inspectors, police, and

vendors' leaders. What this means is that when there are territorial disputes between street vendors and merchants, or among vendors, even where all parties are fully licensed, there is no legal ground for staking a claim to a particular location.

Although working hours are clearly stated on the vending permit, these documents nevertheless become objects of temporal uncertainty and discord. Permits are the result of political agreements between authorities and vendors' unions, and wholesale attempts to remove vendors or cancel permitting agreements are likely to be met with violence and overt resistance. One of the strategies that the current administration has been using, accordingly, is to change the temporality of licensing itself, requiring permits to be more frequently renewed and less durable. In a 2015 meeting with members of UNCOFYL, the merchants' association, a representative detailed the administration's strategy to move forward with the "reorganization" of *ambulantes*, a city-wide initiative that aims to reduce their numbers. Previously, the permits issued to the 2,881 vendors covered in the 2005 agreement had an indefinite duration, but *Normatividad* has reduced their period of validity first to one year, then to six months. The idea, he explained, is to make it more difficult for merchants to renew these permits, and to ensure that those who don't comply with hygienic and spatial regulations cannot renew. Not only will no new vendors be permitted, but some of those already grandfathered in will be stripped of their documentation.

The rapidly shifting, partially documented, and incomplete forms of legal regulation of street vending in the CEDA are productive of a field of ambiguous legality. Within this field, where legal status and the very legitimacy and meaning of the law itself are questionable, the work of disambiguation becomes an important daily event.

## Disambiguation

Disambiguation refers to the process by which subjects who are interpellated by ambiguous legality work to clarify legal categories in order to assert the morality of their own position. It is a form of boundary-work that entails drawing symbolic boundaries between oneself and others, and interpreting difference as a means of defining identity. In her seminal study of boundary-work, Michele Lamont (1992) looks at the construction of working class male identities, and how they use religion, work ethic, and emotion as means of constructing racialized moral boundaries against "immoral" men. In separate studies of Latin migrants in the United States, Susan Coutin (2000) and Nicholas DeGenova (2005) find migrants engaged in a constant struggle to demonstrate their "deservingness," often in moral terms, and against other "less deserving" migrants and US citizens, especially Blacks. In the context of street vendors' legal ambiguity in Mexico, disambiguation serves to both

bolster the moral identity of those who are associated with illegality, either by recourse to claims of legality, or by questioning the legitimacy of existing boundaries of legality.

In the case of the debate over vending permits in the CEDA, discussed above, disambiguation takes on a particular, temporally defined form. Vending permits are products of particular moments in time, of agreements reached and conditions negotiated. To accept a permit as legitimate means accepting the legitimacy of the authority emitting the permit, who in turn respects the legitimacy of the agreement reached in the past. One of the ways that vendors and others attempt to render themselves moral subjects, accordingly, is by situating their own claim to legality in a particular historical moment which they interpret as moral, and interpreting agreements reached in other moments as illegal, immoral, or corrupt.

Wholesale merchants, for their part, often cite 1981 and the issuance of the *Reglamento* (internal statutes which prohibit street vending) as a date which precedes and obviates permits, as a time when the market was brand new and the administration had just promised to fortify it against informal commerce “like the Great Wall of China” (Berthier 1994). As Jaime Liniers, a lime merchant who had studied law and was one of the proponents of the move to the CEDA told me in an interview, “In the Merced (the old wholesale market in central Mexico City, which preceded the CEDA), there was a huge problem with *ambulantes*, but that is why we came here, to modernize commerce. Unfortunately, that opportunity was lost by our administration, which, as you know, is corrupt.” Ironically, even though many merchants come from families in which their parents or grandparents may have gotten their start selling fruit and vegetables on the street, today they see *ambulantes* and the permitting system as signs of disorder, which many hope to eliminate by turning back to the legal guarantee of a different time, rolling back the multiple agreements between administration and permitted vendors which have allowed for the former to persist in the market.

Street vendors, on the other hand, tend to invoke the law as a guarantor of *rights* rather than a way to enforce rule-based order located in a distant past, although the extent to which they embrace this depends in part on their own legal status. Crispin Valencia is the leader of one of the CEDA’s recognized informal vendors’ unions. A short, dark skinned man from southern Mexico near the Guatemalan border, he has been in the CEDA for over twenty years and is responsible for mediating between the hundred and fifty or so people he has in his association, and the market administration. Each month, he collects 135 pesos (slightly over ten dollars) from each of his constituents, in exchange for which he makes sure that their permits are in order and that they are protected in the case of conflicts with local inspectors or other merchants. Of this money, he deposits 103 pesos to the market administration’s

Department of Regulatory Compliance (*Normatividad*) bank account as a land use fee, keeping the remaining 32 pesos for himself.<sup>3</sup>

Like other street vendors I encountered, Crispin is well-versed in the language of law. All Mexican citizens, he explained to me, are guaranteed the right to work in the constitution, and this right cannot be prohibited in public spaces. “The sidewalks and parks are not theirs to privatize,” he explains, referring to the city government, “and it is illegal for them to try to push us out.” Permitted and unpermitted street vendors alike tend to recur to this logic of rights (to work, to the city) when articulating their claim to the streets, while they see the state’s attempts to enforce anti-vending bylaws as illegal and illegitimate.

As a way to strengthen their claim of rights, Crispin and other street vendors work on demonstrating their deservingness, contrasting themselves with other, less worthy subjects. Speaking of his union membership, Crispin explained that eighty percent of the CEDA’s street vendors are women, and were it not for the possibility of selling food or trinkets on the street they would need to turn to prostitution or crime. Lupe and Norma, too, quickly allude the specter of prostitution when discussing the paucity of options available to poor, single women. “I am doing honest work,” Norma said, “every day I’m here, giving it my everything, not degrading myself or others.” Street vendors emphasize their poverty, humility, and legality, contrasting themselves with criminals. “We are poor people, humble people, without the resources to pay thousands of pesos a month in rent,” Crispin told me, “but we work hard.” In meetings with market authorities and merchants, Crispin is careful to perform this deserving role, always wearing a battered plaid shirt and baseball hat no matter the occasion, and referring to himself in the third person as “su servidor” (“at your service”).

It is not only vendors, however, who portray themselves as deserving, hard-workers. Police officers, despite being responsible for many of the most violent and repressive encounters with street vendors, are often quick to express their discomfort with characterizations of *ambulantes* as criminals, and defend their character. One officer, a young migrant from the state of Chiapas who joined the police force in order to have access to its football facilities and teams, used to work as a street vendor selling car accessories at a busy crosswalk during rush hour. Today, working in the police, he is frustrated by the periodic directive to “remove” vendors or confiscate their goods.

*“I don’t like to do that because I know they are breaking the law but I know – I see, that they are here doing honest work. If they weren’t here selling gum, they could be selling something*

3 In 2015, the administration of the CEDA removed itself from the list of public agencies required to have public financial disclosure. Some merchants speculate that it is because of shady deals, such as the street vendors’ unions *cuotas*, that the administration chose to do this.

*else. And sometimes they [the government] tell us to leave them alone, sometimes they tell us to remove them, and in the end it's us, the police, who end up getting into trouble."*

The police officer here, like Crispin and Norma, engages in a form of boundary-work that serves to differentiate between criminals who "sell something else," and the "honest work" pointing to the problem of incoherent regulation that conflates the two.

Nevertheless, the expansive notion of law-as-rights held by Crispin and other permitted vendors contracts when they are confronted with the question of what to do with *ambulantes* who are not covered by the 2005 agreement with the administration. "Deservingness" also means differentiating themselves from unlicensed vendors, through comparing themselves in terms of their hygienic standards, legality, or work ethic (Hayden 2014). Recall, for example, Lupe's claim that the administration needs to remove unpermitted vendors in order to prevent overcrowding in the CEDA. Permitted vendors like Lupe are often in favor of increasing regulation and codifying the unwritten agreements which give them a right to work on the streets as a way to restrict further access to those same streets. In 2015, Crispin and a group of other vendor's union leaders proposed to join forces with UNCO-FYL in support of a "reorganization" of the market's street commerce laws, which would remove a large number of unpermitted vendors from the market. Explaining the logic behind this move, one of Crispin's allies, Valentín, explained:

*"It is true that many of those people are hard-working, but the fact is that this market does not have room for all of us, and it is of no use to anybody if nobody can make a living. That is why I support the reorganization efforts, since we need to have rules (normas) which are clear so that people can't take advantage of them. Without rules everything gets resolved through shady deals (acuerdos oscuros), and it gets harder to make sure that there are no criminals getting involved."*

Permitted vendors thus represent the law, on the one hand, as a flexible technology which may be morally appropriated and modified in the interest of social justice. Yet this understanding of law as a guarantor of rights quickly shifts to the logic of law-and-order, as Valentín picks up on the discourse of street vendors as linked to criminality in his reference to *acuerdos oscuros*. For undocumented vendors, on the other hand, permits exist in the realm of future aspirations and negotiations still to come, and get expressed in the language of still unrecognized rights. Rights, in the form of permits still ungranted, reside in a promised future, whereas order, signified by their absence in a system where *ambulantes* would be altogether eliminated, belongs



to an unfulfilled past promise. Permits thus act as a legal technology through which the classic tension between rights and order gets articulated through recourse to different temporal imaginaries, the past and present both representing a promise of stability which the present moment forecloses.

Disambiguation, then, takes multiple forms: it can take the form of performing “deservingness” by dressing, speaking, and acting as behooves as “humble, honest worker.” It can take the form of symbolically distancing oneself from other, more criminal figures, such as the common criminal (*rata*) or the prostitute or the undocumented vendor. Or, it can take the form of explaining the basis of certain legal claims using the language of rights or of law-and-order, and of dismissing others on the basis of corruption or illegitimacy.

In spite of the widespread discourse which associates street vendors with disorder and criminality, therefore, attention to the forms of disambiguation which different actors engage in reveals the potency of the counter-narrative in which vendors are held up as particularly honest, humble, hard-workers, and representative of the best side of Mexican society. The term *trabajador* – which in Spanish refers to both the noun form of “worker” as well as somebody who is a “hard-worker” – is invoked by vendors, merchants, and even police to describe street vendors in positive terms, and to contrast them with two categories of Mexicans which are also popularly seen as sources of disorder: the *rata*, and the corrupt government. The difficulty of disambiguation, then, lies precisely in this slippage between categories and the question of legitimacy.

### Contested Legitimacy

Vending permits in Mexico are a legal concession rather than a guarantee or pathway to substantive rights. This situates them firmly in a grey area of legality, and makes them prime sites for the production of ambiguous legality. As the anthropologists Susan Coutin and Sally Merry have suggested, in reference to a very different type of permitting – the selective issuing of “deferred action” status to undocumented youth under the Obama administration – such permits substitute “administrative solutions to social problems and conflicts” (Coutin and Merry 2013: 4). In spite of this, permitting continues to be one of the primary legal pathways through which street vendors, in their daily lives, attempt to regularize their relationship with the state, and make a claim to legality. The form of citizenship permits confer is partial and incomplete, but it provides a “terrain of political possibility” (Zeiderman et al. 2015), both for street vendors who hope to claim their right to the city, and to those who oppose them and would eliminate the program.

Waiting, deferral, and “lawful presence without lawful status” (Coutin and Merry 2013) are spatio-temporal conditions to which the street vending



permit contributes, and which compel subjects to engage in a process of disambiguation in an effort to clarify the moral boundaries and their uncertain legal terrains. Yet it is not only the affective sensation of timelessness, out-of-placeness, and insecurity on the part of street vendors that we can learn about through paying attention to the legal technology of the permit. The way in which these technologies are understood by those administering them and those opposed to them are instructive, as well, and reveal the way in which popular political imaginaries of corruption and legitimacy shape street vending and other forms of ambiguous legality.

Back in the CEDA, during a meeting between wholesale merchants and representatives from market's Office of Regulatory Compliance (*Normatividad*) in 2014, the subject of street vendors came up, as it does in nearly every meeting between the two groups. Why, asked the merchants, were the *ambulantes* still there, in clear violation of the market's *normas* (by-laws)? Why was the office going around issuing permits instead of implementing the rule of law and removing the street vendors? In an attempt to explain the legal grey zone through which vendors are permitted – an act of disambiguation on the part of an authority enmeshed in the fraught terrain of *ambulantaje* – a *Normatividad* officer responded, “The thing is, there are two kinds of *normas*: written ones, and customs which become law.” His explanation was met with disbelief and anger on the part of the wholesalers.

“Very convenient,” one merchant grimly joked. “I guess now they’re going to tell us that drug trafficking isn’t really illegal because it’s a custom which became law.”

The joke is telling of the way in which many merchants view street vending permits: as documents illegitimately issued by authorities which, furthermore, serve as *evidence* of the authorities’ illegitimacy. Instead of communicating something about the street vendors’ legality, many merchants see permits as instead revealing the state’s illegality. Further, when the authorities try to modify the terms of permitting, either by curtailing or expanding them, street vendors themselves are wont to assume this same stance, accusing the authorities of acting illegitimately and corruptly. As forms of legalizing documentation, then, permits are contingent and incomplete, productive of social cleavages and disagreements as much as resolution to the persistent disputes over street vending in Mexico City. Even as some vendors and authorities cleave to permits and other forms of legal recognition as tools of disambiguation, as ways of establishing their rights and legitimate claims in contested terrains, these tools often serve to perpetuate conditions of legal ambiguity.

This situation is compounded in a context where the source of legal authority itself is suspect, and the state is widely mistrusted and seen as corrupt, as is the case in Mexico today (Durand Ponte 2002). Yet here I am not simply giving an account of the break between law and society, where the

former acquires the status of moral community in Durkheimian fashion, as Greenhouse (2012) has noted is the case in many contemporary legal anthropologies. Some street vendors, to be sure, may disambiguate by pointing to the immorality of the law, as was the case with one itinerant vendor in Mexico City's Centro Histórico who told Rodrigo Meneses-Reyes that he "never wanted to apply for a license because, according to him, the current authorities are the same crooks that have always benefitted from the less privileged" (2013: 3). Most vendors, nevertheless, seek some form of recognition, or engage in a process of disambiguation by depicting themselves as ethical subjects sometimes against and sometimes through the state, sometimes in solidarity with other vendors, and other times at odds with them.

The legal ambiguity of street vending is a product of a long history of negotiations through political and civil society, of illegal occupation and legal regulation, of the social and symbolic construction of the meaning of street commerce. The key to its persistence lies in this very ambiguity, which compels vendors to engage in the everyday work of maintaining and erecting boundaries and of strategically reinterpreting the law, which in turn is constantly reinterpreting their legality. It is this work, of moral policing and finding clarity in the midst of uncertainty, that comprises an important, but often unseen, form of everyday labor for street vendors in contemporary Mexico City.

## Bibliography

- Agostoni, Claudia (2003) *Monuments of Progress: Modernization and Public Health in Mexico City, 1876-1910*. Calgary: University of Calgary Press.
- Aguiar, Jose Carlos G. (2013) Smugglers, *Fayuqueros*, *Piratas*: Transitory Commodities and Illegality in the Trade of Pirated CDs in Mexico. *PoLaR: Political and Legal Anthropology Review* 36 (2): pp. 249-265.
- Azuela, Antonio and Rodrigo Meneses (2012) *The Everyday Formation of the Urban Space: Law, Courts and the Poor in Mexico*. Paper prepared for the Conference Where Now? Moving beyond Traditional Legal Geographies. The Baldy Center for Law and Social Policy, University at Buffalo.
- Barbosa Cruz, Mario (2010) *Trabajadores en las calles de la ciudad de México: Subsistencia, negociación y pobreza urbana en tiempos de la revolución*. *Historia Mexicana* LX (2): pp. 1077-1118.
- Becker, Anne and Markus-Michael Müller (2013) *The Securitization of Urban Space and the "Rescue" of Downtown Mexico City: Vision and Practice*. *Latin American Perspectives* 40 (2): pp. 77-94.

- Berthier, Héctor Castillo (1994) *Estructura de Poder de los Comerciantes Mayoristas de Abarrotes de la Ciudad de México*. México DF: Instituto de Investigaciones Sociales, UNAM.
- Chatterjee, Partha (2004) *Lineages of Political Society: Studies in Postcolonial Democracy*. New York: Columbia University Press.
- Coutin, Susan B. (2000) *Legalizing Moves: Salvadoran Immigrants' Struggle for U.S. Residency*. University of Michigan Press.
- Coutin, Susan B. and Sally E. Merry (2013) Technologies of Truth in the Anthropology of Conflict. *American Ethnologist* 41 (1): pp. 1-16.
- Cross, Jonathan (1998) *Informal Politics: Street Vendors and the State in Mexico City*. Stanford, CA: Stanford University Press.
- Crossa, Veronica (2009) Resisting the Entrepreneurial City: Street vendors' struggle in Mexico City's Historic Center. *International Journal of Urban and Regional Research* 33 (1): pp. 43-63.
- Crossa, Veronica (2016) Reading for Difference on the Street: De-homogenising street vending in Mexico City. *Urban Studies* 53 (2): pp. 1-15.
- DeGenova, Nicholas (2005) *Working the Boundaries: Race, Space, and "Illegality" in Mexican Chicago*. Durham: Duke University Press.
- Durand Ponte, Victor Manuel (2002) El imperio de la desconfianza: debilidad Mexicana. *Acta Sociologica* 36: pp. 85-121.
- Foucault, Michel (1995) *Discipline and Punish: The Birth of the Prison*. New York: Vintage.
- Goldstein, Daniel (2015) *Owners of the Sidewalk: Security and Survival in the Informal City*. Durham, NC: Duke University Press.
- Goldstein, Daniel and Carolina Alonso-Bejarano (2017) E-Terrify: Securitized Immigration and Biometric Surveillance in the Workplace. *Human Organization* 76 (1): pp. 1-14.
- Greenhouse, Carol J. (2012) Law. In: Fassin, Didier (ed.) *A Companion to Moral Anthropology*. Malden, MA: Wiley-Blackwell.
- Hayden, Tiana Bakić (2014) The Taste of Precarity: language, legitimacy and legality among Mexican street food vendors. In: Cardoso, Ryzia De Cássia Vieira, Michèle Companion and Stefano Roberto Marras (eds.) *Street Food: Culture, Economy, Health and Governance*. New York: Routledge: pp. 83-97.
- Janoschka, Michael, Jorge Sequera and Luis Salinas (2014) Gentrification in Spain and Latin America – a Critical Dialogue. *International Journal of Urban and Regional Research* 38 (4): pp. 1234-1265.
- Lamont, Michele (1992) *The Dignity of Working Men: Morality and the Boundaries of Race, Class and Immigration*. New York: Russell Sage Foundation.
- Leal Martinez, Alejandra (2016) You Cannot Be Here: The Urban Poor and the Specter of the Indian in Mexico City. *The Journal of Latin American and Caribbean Anthropology* 21 (3): pp. 539-559.
- Meneses-Reyes, Rodrigo (2013) Out of Place, Still in Motion: Shaping immobility/mobility through urban regulation. *Social & Legal Studies* 22: pp. 335-356.

- Monnet, Jérôme (2005) El prisma del ambulante. In: Monnet, Jérôme and Juliette Bonnafé (eds.) *Memoria del Seminario: El ambulante en la Ciudad de Mexico*, investigaciones recientes. Programa de Estudios Universitarios de la Ciudad. UNAM: Mexico.
- Roy, Ananya (2009) Why India Cannot Plan Its Cities: Informality, Insurgence, and the Idiom of Urbanization. *Planning Theory* 8 (1): pp. 76-87.
- Serna Luna, Erick (2013) *Los que laboran en la oscuridad: La informalidad regulada del discapacitado visual bajo la ciudad*. Colegio de México, MA Thesis.
- Stamm, Caroline (2007) La democratización de la gestión de las plazas de comercio popular en el centro histórica de La Ciudad de México. *Trace* 51: pp. 83-93.
- Swanson, Kate (2007) Revanchist Urbanism Heads South: The Regulation of Indigenous Beggars and Street Vendors in Ecuador. *Antipode* 39 (4): pp. 708-728.
- Zeiderman, Austin, Sobia Ahmad Kaker, Jonathan Silver and Astrid Wood (2015) Uncertainty and Urban Life. *Public Culture* 27 (2): pp. 281-304.

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